

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

THIS DOCUMENT RELATES TO:

COUNTY OF CHENANGO v. ABBOTT  
LABORATORIES, INC., et al.

S.D.N.Y. Case No. 05-cv-354

MDL. NO. 1456

Civil Action No. 01-CV-12257  
Judge Patti B. Saris

**AFFIDAVIT OF SERVICE**

Kirby McInerney & Squire, LLP  
830 Third Avenue, 10<sup>th</sup> Floor  
New York, NY 10022  
(212) 371-6600

COPY

UNITED STATES DISTRICT COURT

NORTHERN

District of

NEW YORK

COUNTY OF CHENANGO

SUMMONS IN A CIVIL ACTION

v.

ABBOTT LABORATORIES, INC. ALCON  
LABORATORIES, INC., et al. (SEE ATTACHED)

CASE NUMBER: OS-CV-354

TJM / DEP

TO: (Name and address of Defendant)

(SEE ATTACHED)

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Joanne M. Cicala, Esq.  
Aaron D. Hovan, Esq.  
KIRBY McINERNEY & SQUIRE, LLP  
830 Third Avenue, 10th Floor  
New York, New York 10022  
(212) 371-6600

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK

Wendy Lindsborg  
(By) DEPUTY CLERK

DATE

MAILED 6/1/2005

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

THIS DOCUMENT RELATES TO:

COUNTY OF CHENANGO v. ABBOTT  
LABORATORIES, INC., et al.

S.D.N.Y. Case No. 05-cv-354

Index No. 01-12257 PBS

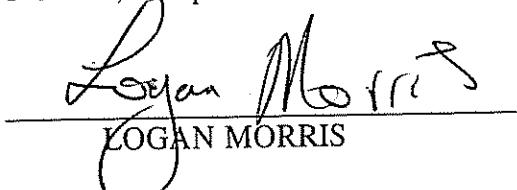
**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )  
                          ) ss.:  
COUNTY OF NEW YORK )

I, LOGAN MORRIS, says:

I am over the age of eighteen, am not a party to this action, and resides in the county of Kings. On July 19, 2005, I served true and complete copies of the attached SUMMONS AND COMPLAINT upon AGOURON PHARMACEUTICALS, INC. Care of PFIZER, INC., 235 E 42<sup>nd</sup> Street, NY, NY 10017. By delivering said true copies to Ms. Tang Williams. Ms Williams is black female, 5'7" and 165 pounds. On July 20, 2005. I also served true and complete copies of the said SUMMONS AND COMPLAINT upon Ms. Rochelle Brown, of Pfizer Inc's legal division located at 150 E 42<sup>nd</sup> Street, NY, NY 10017. Ms Brown stated that she was authorized to accept service and that she had received the set I served on Ms Williams.

Ms. Brown is a black female 5'6" tall, 140 pounds and wears glasses.

  
\_\_\_\_\_  
LOGAN MORRIS

Sworn to before me this  
21st day of July, 2005.

  
\_\_\_\_\_  
Notary Public

MARIANNE SADECKI  
Notary Public, State of New York  
No. 14-4869982  
Qualified in Dutchess County  
Commission Expires Sept. 8, 2008

## AFFIDAVIT OF PROCESS SERVER

In The United States District Court for the Northern District of New York

County of Chenango

Case No: 05-CV-354

Plaintiff(s)

v

Abbott Laboratories, Inc., et al

Defendant(s)

I declare that I am a citizen of the United States, over the age of eighteen and not a party to this action. And that within the boundaries of the state where service was effected, I was authorized by law to perform said service.

**Service:** I served AstraZeneca

With the (documents) Summons in a Civil Action; and Complaint

Person Served: Sue Martin, Legal Administrator duly authorized to accept service

Service Address: 1800 Concord Pike, Wilmington, Delaware 19850

Date of Service: July 19, 2005 Time of Service: 3:30 p.m.

**Manner of Service:** (X) By personally delivering copies to the person/authorized agent of entity being served.

( ) By leaving, during office hours, copies at the office of the person/entity being served, leaving same with the person apparently in charge thereof  
( ) By leaving copies at the dwelling house or usual place of abode of the person being served, with a member of the household 18 or older and explaining the general nature of the papers.

( ) By posting copies in a conspicuous manner to the address of the person/entity being served.

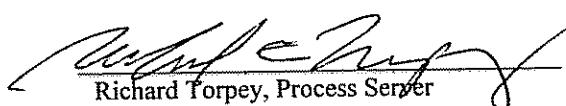
**Non-Service:** After due search, careful inquiry and diligent attempts at the address(es) listed above, I have been unable to effect process upon the person/entity being served because of the following reason(s):

( ) Unknown at address ( ) Evading ( ) Moved, left no forwarding  
( ) Address does not exist ( ) Service canceled by Litigant ( ) Unable to serve in a timely fashion  
( ) Other

**Description:** Age: 59 Sex: F Race: W Hgt. 5'7" Wgt: 149 Hair: Blonde Glasses: No

I declare under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on:

July 20, 2005 at Wilmington, Delaware  
Date City State

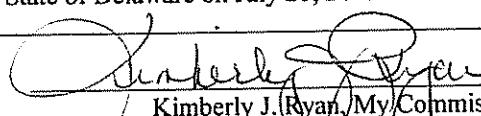
  
Richard Torpey, Process Server

State of Delaware

County of New Castle

Subscribed and sworn before me, a Notary Public of the State of Delaware on July 20, 2005

Witness My Hand and Official Seal To

  
Kimberly J. Ryan, My Commission Expires 6/15/08  
Notary Public, State of Delaware

KIMBERLY J. RYAN  
NOTARY PUBLIC DELAWARE  
My Commission Expires June 15, 2008  
1415/08

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN  
COUNTY OF CHENANGO

Index No. 05-CV-354

V.S.

ABBOTT LABORATORIES, INC ALCON  
LABORATORIES, INC. et. al.

STATE OF ILLINOIS )  
 ) ss.:  
COUNTY OF COOK )

Barnett Kolton, being duly sworn deposes and says that: Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Illinois.

On Tuesday, July 19, 2005, at approximately 4:25 P.m. at 100 Abbott Park Road, Abbott Park, IL, Deponent served the within Summons in a Civil Case and Complaint upon Abbott Laboratories Inc., by delivering to and leaving with (*person served*) CINDY BENNETT, *(title)* PARALEGAL, a true and correct copy of said documents.

At the time of said service, (Person served) CINDY BENETT stated that  
(s)he was duly authorized to accept service of legal process for Abbott Laboratories Inc.  
(person served) CINDY BENETT is described as a W (fe)male  
approximately 30 years of age, 130 lbs., 5'5" tall, with BLACK hair.  
(other features) \_\_\_\_\_.

Barnett Kolton  
(PROCESS SERVER'S SIGNATURE)

Barnett Kolton

Sworn to before me this  
12 day of July, 2005

Alcia Hyder  
Notary Public

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

~~NY, NY~~

COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF NEW JERSEY )  
                          ) ss.:  
COUNTY OF             )

Gerald Jacuk, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New Jersey.

On TUES, July 19, 2005, at approximately 12:00P.m., at  
(place served) 1 Executive Dr. Fort Lee, NJ

Deponent served the within Summons in a Civil Case and Complaint upon

Alpharma Inc, by delivering to and leaving with  
(Person served) Carolina Vergara, (title) Office Manager

a true and correct copy of said documents.

At the time of said service, (Person served) Carolina Vergara stated that  
(s)he was duly authorized to accept service of legal process for Alpharma Inc.  
(Person served) Carolina Vergara is described as a White (fe)male,  
approximately 35 years of age, 170 lbs., 5'6" tall, with Brn hair.  
(other features) \_\_\_\_\_

Gerald Jacuk  
(PROCESS SERVER'S SIGNATURE)

Print Name

Sworn to before me this  
22 day of July, 2005

W. Mullen  
Notary Public

DACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK  
 NORTHERN  
 COUNTY OF CHENANGO

Index No. 05-CV-354

V5.

ABBOTT LABORATORIES, INC., ALCON  
 LABORATORIES, INC. et. al.

STATE OF NEW JERSEY      )  
                                   ) ss.:  
 COUNTY OF                    )

John Hotz

, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New Jersey.

On TUES, July 19, 2005, at approximately 1:10 P.M. at

(place served) 300-400 Somerset Corp, Bridgewater, NJ

Deponent served the within Summons in a Civil Case and Complaint upon

Avantis Pharmaceutical Inc by delivering to and leaving with  
 (Person served) Laura Nigro, (title) Legal Asst.,

a true and correct copy of said documents.

At the time of said service, (Person served) Laura Nigro stated that  
 (s)he was duly authorized to accept service of legal process for Avantis Pharmaceutical Inc

(Person served) Laura Nigro is described as a White (fe)male,  
 approximately 45 years of age, 130 lbs., 5'3" tall, with Brown hair.

(other features) \_\_\_\_\_

John Hotz  
 (PROCESS SERVER'S SIGNATURE)  
John Hotz  
 Print Name

Sworn to before me this  
02 day of July, 2005

Dacien J. Mullen  
 Notary Public

DACIEN J. MULLEN  
 MY COMMISSION EXPIRES  
 JUNE 1, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC ALCON  
LABORATORIES, INC. et. al.

STATE OF ILLINOIS )  
                         ) ss.:  
COUNTY OF COOK )

Barnett Kolton, being duly sworn deposes and says that: Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Illinois.

On Tuesday, July 19, 2005, at approximately 2 : 45 p.m. at One Baxter Parkway, Deerfield, IL 60015, Deponent served the within Summons in a Civil Case and Complaint upon Baxter Healthcare Corporation, by delivering to and leaving with (person served) DEBBIE FREEBAIRN (title) PARALEGAL a true and correct copy of said documents.

At the time of said service, (Person served) DEBBIE FREEBAIRN stated that (s)he was duly authorized to accept service of legal process for Baxter Healthcare Corporation.

(person served) DEBBIE FREEBAIRN is described as a W (fe)male approximately 45 years of age, 140 lbs., 5' 6" tall, with BROWN hair. (other features) \_\_\_\_\_

Barnett Kolton  
(PROCESS SERVER'S SIGNATURE)

Barnett Kolton

Sworn to before me this  
22 day of July, 2005

Notary Public

Alicia Hydr

OFFICIAL SEAL  
ALYCIA HYDREN  
NOTARY PUBLIC, STATE OF ILLINOIS  
COMMISSION EXPIRES 2/1/2007

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN \_\_\_\_\_ x  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC ALCON  
LABORATORIES, INC. et. al.

-----x  
STATE OF ILLINOIS )  
                  ) ss.:  
COUNTY OF COOK )

Barnett Kolton, being duly sworn deposes and says that: Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Illinois.

On Tuesday, July 19, 2005, at approximately 2 : 45 P m. at One Baxter Parkway, Deerfield, IL 60015, Deponent served the within Summons in a Civil Case and Complaint upon Baxter International Inc., by delivering to and leaving with (person served) DEBBIE FREEBAIRN (title) PARALEGAL a true and correct copy of said documents.

At the time of said service, (person served) DEBBIE FREEBAIRN stated that (s)he was duly authorized to accept service of legal process for Baxter International Inc..

(person served) DEBBIE FREEBAIRN is described as a W (fe)male approximately 45 years of age, 140 lbs., 5' 6" tall, with Brown hair.  
(other features) \_\_\_\_\_.

Barnett S. Kolton  
(PROCESS SERVER'S SIGNATURE)

Barnett Kolton

Sworn to before me this  
22 day of July, 2005

Alexis Hyder  
Notary Public

OFFICIAL  
ALYSSA HYDER  
NOTARY PUBLIC, STATE OF NEW YORK  
MY COMMISSION EXPIRES 07/06/2007

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN \_\_\_\_\_ x  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al. \_\_\_\_\_ x

STATE OF PENNSYLVANIA )  
 ) ss.:  
COUNTY OF Allegheny )

CARMEN J. CICCARELLI, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Pennsylvania.

On Tuesday, July 19, 2005, at approximately 1:20 P.m., at 100 Bayer Road, Crafton, PA 15205, Deponent served the within Summons in a Civil Case and Complaint upon Bayer Corporation, by delivering to and leaving with (Person served) JEFFREY GITCHEL (title) COUNSEL, a true and correct copy of said documents.

At the time of said service, (Person served) JEFFREY GITCHEL stated that (s)he was duly authorized to accept service of legal process for Bayer Corporation.

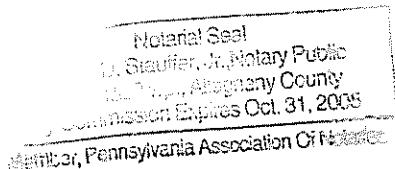
JEFFREY GITCHEL (Person served) is described as a WHITE (fe)male, approximately 40 years of age, 160 lbs., 5' 7" tall, with BLACK hair. (other features) \_\_\_\_\_.

Carmen J. Ciccarelli  
(PROCESS SERVER'S SIGNATURE)

CARMEN J. CICCARELLI  
Print Name

Sworn to before me this  
19<sup>th</sup> day of July, 2005

Notary Public



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----X  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

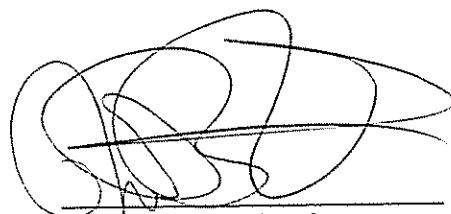
-----X  
STATE OF NEW YORK )  
                         ) ss.:  
COUNTY OF QUEENS )

Andrew Bartley, being duly sworn deposes and says that: Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New York.

On Wednesday, July 20, 2005, at approximately 12:15 p.m., at 2 Quaker Road, Pomona, New York 10970, Deponent served the within Summons in a Civil Case and Complaint upon Barr Laboratories Inc., by delivering to and leaving with Vincent Combardi, Security Operations Coordinator, a true and correct copy of said documents.

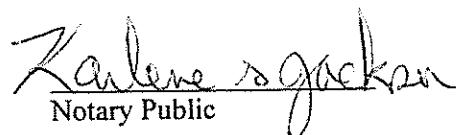
At the time of said service, Vincent Combardi stated that he was duly authorized to accept service of legal process for Barr Laboratories Inc.

Vincent Combardi is described as a White male, approximately 37 years of age, 180-185 lbs., 5'7"-5'8" tall, black hair and wears glasses.



Andrew Bartley

Sworn to before me this  
22<sup>nd</sup> day of July, 2005



Karlene S. Jackson  
Notary Public

**KARLENE S. JACKSON**  
Notary Public  
State of New York, #01JA5083169  
Qualified in Kings County  
Commission Expires August 4, 2025

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN \_\_\_\_\_ X  
COUNTY OF CHENANGO

ORIGINAL

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC ALCON  
LABORATORIES, INC. et. al. \_\_\_\_\_ X

STATE OF OHIO )  
 ) ss.:  
COUNTY OF SUMMIT )

JOHN APYNES, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Ohio.

On Tuesday, July 19, 2005, at approximately 3:30 P.m. at 300 Northfield Road, Bedford, OH 44146, Deponent served the within Summons in a Civil Case and Complaint upon Ben Venue Laboratories Inc., by delivering to and leaving with (person served) KATHY RAMSEY, (title) ADMINISTRATIVE ASSISTANT, a true and correct copy of said document.

At the time of said service, (Person served) KATHY RAMSEY stated that (s)he was duly authorized to accept service of legal process for Ben Venue Laboratories Inc.

(person served) KATHY RAMSEY is described as a CAUCASIAN (fe)male, approximately 50 years of age, 150 lbs., 5'4" tall, with RED/ GREY hair.  
(other features) \_\_\_\_\_.

John Apynes  
(PROCESS SERVER'S SIGNATURE)

JOHN APYNES

Print Name

Sworn to before me this  
9<sup>th</sup> day of July, 2005

  
Notary Public WARD B. PURSER, Notary Public  
Madison County  
State of Ohio Jurisdiction, Ohio

My Commission Expires at - 5 - 09

PRIVATE PROCESS SERVER  
STATE OF OHIO - ALL COUNTIES

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN

(Caption)

Index No. 05-cv-354

COUNTY OF CHENANGO Plaintiff

v.

ABBOTT LABORATORIES INC. ET AL.

(Caption)

Defendants

x

STATE OF MASSACHUSETTS )

) ss.:

COUNTY SUFFOLK )

DAVID E. WALTERS, being duly sworn deposes and says that: deponent is not a party to this action, and is over 18 years of age and is a resident of the State of MASSACHUSETTS

On WEDNESDAY, JULY 20, 2005 approximately 1:45 p.m. at (address served) 10 CAMBRIDGE CENTER, MA 02142, deponent served the within Summons in a Civil Case and Complaint upon BIOGEN IDEC INC by delivering to and leaving with (PERSON SERVED) KEVIN FOLEY, (TITLE) PARALEGAL, a true and correct copy of said document. At the time of said service, (PERSON SERVED)

KEVIN FOLEY stated that he was duly authorized to accept service of legal process for (Co served) BIOGEN IDEC INC.

(PERSON SERVED) KEVIN FOLEY is described as a WHITE male, approximately 29 years of age, 240 lbs. 6'5" tall, with BLACK hair and (OTHER FEATURES)

David E. WALTERS  
(PROCESS SERVER'S SIGNATURE)

(DAVID E. WALTERS)

Sworn to before me this  
20<sup>th</sup> day of July, 2005

Patricia A. Harr  
Notary Public  
My Commission BCP  
11/25/08

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN \_\_\_\_\_ X

COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABROTT LABORATORIES, INC ALCON  
LABORATORIES, INC. et. al. \_\_\_\_\_ X

STATE OF CONNECTICUT )  
                          ) ss.:  
COUNTY FAIRFIELD     )

Eric Rubin \_\_\_\_\_, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Connecticut.

On Monday, July 18, 2005, at approximately 12:30 pm, at One Commercial Plaza, Hartford, CT 06103, Deponent served the within Summons in a Civil Case and Complaint upon Boehringer Ingelheim Pharmaceuticals Inc., via Agent CT Corporation, by delivering to and leaving with (Person served) Mary Foran Sr. Fulfillment Agent (mle), a true and correct copy of said document. At the time of said service.

(Person served) Mary Foran \_\_\_\_\_ stated that (s)he was duly authorized to accept service of legal process for Boehringer Ingelheim Pharmaceuticals Inc.

Mary Foran \_\_\_\_\_ (Person served) is described as a White (fe)male, approximately 35 years of age, 130 lbs., 5 '4 " tall, with Blonde hair.

(other features) \_\_\_\_\_

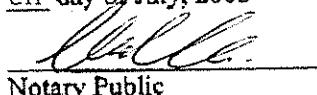


(PROCESS SERVER'S SIGNATURE)

Eric Rubin

Print Name

Sworn to before me this  
19<sup>th</sup> day of July, 2005



\_\_\_\_\_  
Notary Public

Ksenia V. Rubin  
NOTARY PUBLIC  
State of Connecticut  
My Commission Expires 12/31/07

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
*NORTHERN*  
COUNTY OF CHENANGO

Index No. 05-CV-354

V5.

ABROTT LABORATORIES, INC ALCON  
LABORATORIES, INC. et. al.

STATE OF CONNECTICUT )  
 ) ss.:  
COUNTY FAIRFIELD )

Eric Rubin \_\_\_\_\_, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Connecticut.

On Monday, July 18, 2005, at approximately 12:30 pm, at One Commercial Plaza, Hartford, CT 06103, Deponent served the within Summons in a Civil Case and Complaint upon Boehringer Ingelheim Corp, via Agent CT Corporation, by delivering to and leaving with

(Parson signed) Mary Foran Sr. Fulfillment Agent (Title)

a true and correct copy of said document. At the time of said service,  
(Person served) Mary Foran stated that (s)he was duly authorized to accept  
service of legal process for Boehringer Ingelheim Corp.

Mary Foran (Person served) is described as a White  
(f) male, approximately 35 years of age, 130 lbs., 5' 4" tall, with  
Blonde hair:

(other features) \_\_\_\_\_

(PROCESS SERVER'S SIGNATURE)

Eric Rubin

Print Name

Sworn to before me this  
19th day of July, 2005

Notary Public

Ksenia V. Rubin  
NOTARY PUBLIC  
State of Connecticut  
My Commission Expires 12/31/07

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

THIS DOCUMENT RELATES TO:

COUNTY OF CHENANGO v. ABBOTT  
LABORATORIES, INC., et al.

S.D.N.Y. Case No. 05-cv-354

Index No. 01-12257 PBS

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )  
                         ) ss.:  
COUNTY OF NEW YORK )

I, ANDREW MILLER, says:

I am over the age of eighteen, am not a party to this action, and am employed in the City, State, and County of New York. On July 18, 2005, I served true and complete copies of the attached SUMMONS AND COMPLAINT upon BRISTOL-MYERS SQUIBB, CO. by delivering said true copies to Sattie Jarim, of CT CORPORATION, 111 Eighth Avenue, New York, NY 10011. Ms. Jarim is 5'7" tall, wear glasses, and has black hair.

  
\_\_\_\_\_  
ANDREW MILLER

Sworn to before me this  
19<sup>th</sup> day of July, 2005.

  
\_\_\_\_\_  
MARIANNE SADECKI  
Notary Public

MARIANNE SADECKI  
Notary Public, State of New York  
No. 14-4869982  
Qualified in Dutchess County  
Commission Expires Sept. 8, 2006

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF PENNSYLVANIA )  
 ) ss.:  
COUNTY OF )

Matthew Kohlwan, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Pennsylvania. On TUES, July 19, 2005, at approximately 10:00 A.M. at

(place served) 1050 Westlakes Dr., Berwyn, IL

Deponent served the within Summons in a Civil Case and Complaint upon

Durk Laboratories by delivering to and leaving with  
(person served) Stephen Hanovsky, (a/k/a) ASST. GEN. COUNSEL

a true and correct copy of said documents.

At the time of said service, (person served) Stephen Hanovsky stated that

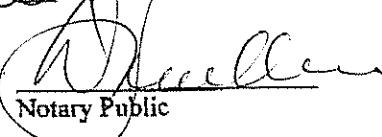
(s)he was duly authorized to accept service of legal process for DURK.

(person served) Stephen Hanovsky is described as a White  male,  
approximately 40 years of age, 175 lbs., 5'9" tall, with BRN hair.

(other features) \_\_\_\_\_

  
Matthew Kohlwan  
(PROCESS SERVER'S SIGNATURE)  
Print Name

Sworn to before me this  
day of July, 2005

  
Notary Public

DACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ARROTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF CALIFORNIA )  
) ss.:  
COUNTY OF SOLANO )

Ray Lowe, being duly sworn deposes and says that: Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of California.

On Tuesday, July 19, 2005, at approximately 12:41 p.m., at 2751 Napa Valley Corporate Drive, Napa, CA 94558, Deponent served the within Summons in a Civil Case and Complaint upon Dey Inc., by delivering to and leaving with John Scheels, a true and correct copy of said documents.

At the time of said service, John Scheels, stated that he was duly authorized to accept service of legal process for Dey Inc.

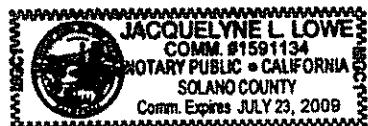
John Scheels is described as a White male, approximately 55 years of age, 240 lbs., 6'3" " tall, with white hair. (other features) \_\_\_\_\_.

Ray Lowe  
(PROCESS SERVER'S SIGNATURE)

Subscribed to and Sworn to before me on this 25th day of July, 2005, by RAY LOWE, personally known to me to be the person who appeared before me.

WITNESS MY HAND AND SEAL.

Jacqueline L. Lowe  
Notary Public



**AFFIDAVIT OF SERVICE**

UNITED STATES DISTRICT COURT  
Northern District of New York

Index Number: 05-CV-354 TJM/DEP

Date Filed: 3/21/2005

Plaintiff:  
**County of Chenango**

vs.

Defendant:  
**Abbott Laboratories, Inc., Alcon Laboratories, Inc., et al**

Received by Preemptive Process Servers, Inc. on the 19th day of July, 2005 at 8:59 am to be served on **ELI LILLY & COMPANY, LILLY CORPORATE CENTER, 893 S. DELAWARE STREET, INDIANAPOLIS, INDIANA 46285.**

I, Ron Haase, being duly sworn, depose and say that on the **19th day of July, 2005 at 2:22 pm**, I:

Delivered a true copy of the **Summons and Complaint** to Tim Campbell, Legal Associate at the aforementioned address, who stated that they were authorized to accept service.

**Description of Person Served:** Age: 50, Sex: M, Race/Skin Color: Cauc, Height: 6'3", Weight: 235, Hair: Brown, Glasses: Y

I certify that I am over the age of 18, have no interest in the above action and have proper authority in the jurisdiction in which service was made. I declare that the facts set forth in the foregoing Affidavit of Service are true and correct.

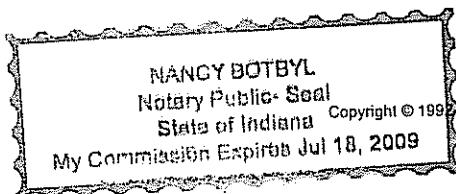
Ron Haase  
Ron Haase  
Process Server

Preemptive Process Servers, Inc.  
176-37 120th Ave.  
Jamaica, NY 11434  
(718) 341-9960

Our Job Serial Number: 2005004593  
Ref: KMS-Chenango

Subscribed and Sworn to before me on the 20th day of July, 2005 by the affiant who is personally known to me.

Nancy Botbyl  
NOTARY PUBLIC



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN

COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF PENNSYLVANIA )  
 ) ss.:  
COUNTY OF )

Matthew Kohlwan, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Pennsylvania.

On TUES, July 19, 2005, at approximately 9:30 A.m., at 100 Painters Dr., Chadds Ford, PA.

(place served) Deponent served the within Summons in a Civil Case and Complaint upon

Endo Pharmaceuticals, Inc, by delivering to and leaving with LaShonda Duke (title) Receptionist.

(Person served) a true and correct copy of said documents.

At the time of said service, (Person served) LaShonda Duke stated that

(s)he was duly authorized to accept service of legal process for Endo

(person served) LaShonda Duke is described as a Black (fe)male, approximately 25 years of age, 145 lbs., 5'4" tall, with BLK hair.

(other features) \_\_\_\_\_

Matthew Kohlwan

(PROCESS SERVER'S SIGNATURE)

Matthew Kohlwan  
Print Name

Sworn to before me this  
02 day of July, 2005

Daciem J. Mullen  
Notary Public

DACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

AFFIDAVIT OF RETURN OF SERVICE

COUNTY OF ST. LOUIS

COUNTY OF CHENANGO v.  
ABBOTT LABORATORIES, INC.,  
ET AL  
United States District Court  
Northern District of New York  
Case No. 05-CV-354

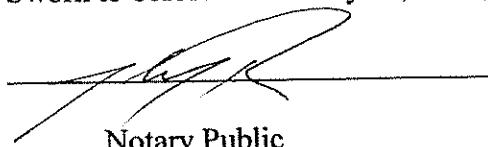
I, Matt Douglas, of Markell & Associates, Inc., being duly sworn upon his oath, states that he is over the age of 21 years; and that he is a disinterested party to this action; and that he served a copy of the attached Summons and Complaint on defendant ETHEX CORPORATION, by personal service on STEVE RANDAZZO, Person In Charge/authorized to accept, at 1 Corporage Woods Drive, St. Louis, Missouri on July 21, 2005, 11:44 a.m.

MARKELL & ASSOCIATES, INC.

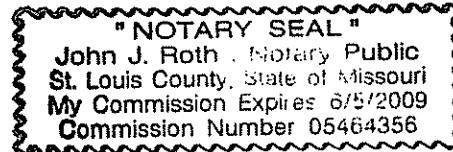


Matt Douglas

Sworn to before me on July 25, 2005,



\_\_\_\_\_  
Notary Public



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

THIS DOCUMENT RELATES TO:

COUNTY OF CHENANGO v. ABBOTT  
LABORATORIES, INC., et al.

S.D.N.Y. Case No. 05-cv-354

Index No. 01-12257 PBS

**AFFIDAVIT OF SERVICE**

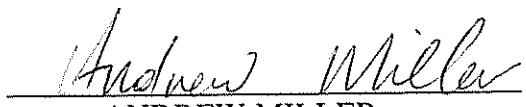
ANDREW MILLER, being duly sworn, says:

Deponent is not a party of the action, is over the age of 18 years, is a resident of Brooklyn, New York.

On July 18, 2005, deponent served the within SUMMONS AND COMPLAINT upon:

Forest Laboratories, Inc.  
909 Third Avenue  
New York, NY 10022

By delivering a true copy thereof personally to the above-named firm and leaving same with Douglas Pettus, mail room manager, at the address indicated.

  
ANDREW MILLER

Sworn to before me this  
19 day of July, 2005.

  
Notary Public

ILEANNA RAMIREZ  
Notary Public, State of New York  
No. 01RA4740575  
Appointed in Bronx County  
My Commission expires 8/31/2005

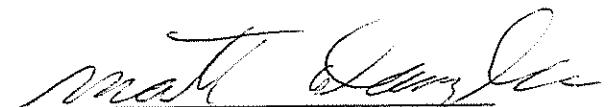
AFFIDAVIT OF RETURN OF SERVICE

COUNTY OF ST. LOUIS

COUNTY OF CHENANGO v.  
ABBOTT LABORATORIES, INC.,  
ETAL  
United States District Court  
Northern District of New York  
Case No. 05-CV-354

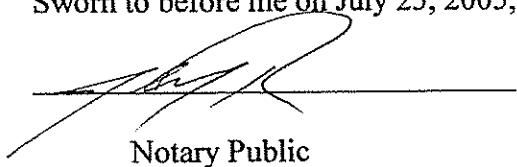
I, Matt Douglas, of Markell & Associates, Inc., being duly sworn upon his oath, states that he is over the age of 21 years; and that he is a disinterested party to this action; and that he served a copy of the attached Summons and Complaint on defendant FOREST PHARMACEUTICALS, INC., by personal service on TERRY HOWELL, Person In Charge/authorized to accept, 13600 Shoreline Drive, St. Louis, Missouri on July 19, 2005, 12:31 p.m.

MARKELL & ASSOCIATES, INC.

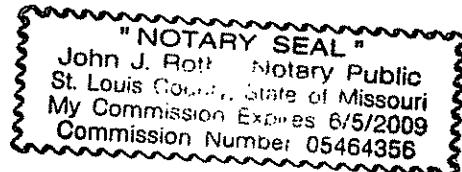


Matt Douglas

Sworn to before me on July 25, 2005,



\_\_\_\_\_  
Notary Public



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC ALCON  
LABORATORIES, INC. et. al.

STATE OF ILLINOIS )  
                          ) ss.:  
COUNTY OF COOK )

Barnett Kolton, being duly sworn deposes and says that: Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Illinois.

On Tuesday, July 19, 2005, at approximately 2:55 p.m. at Three Parkway North, Deerfield, IL 60015, Deponent served the within Summons in a Civil Case and Complaint upon Fujisawa Healthcare Inc., by delivering to and leaving with (person served) LINDA FRIEDMAN (title) GENERAL COUNSEL, a true and correct copy of said documents.

At the time of said service, (Person served) LINDA FRIEDMAN stated that (s)he was duly authorized to accept service of legal process for Fujisawa Healthcare Inc.

(person served) LINDA FRIEDMAN is described as a W (fe)male, approximately 45 years of age, 150 lbs., 5' 5" tall, with BROWN hair.

(other features) \_\_\_\_\_.

Barnett S. Kolton  
(PROCESS SERVER'S SIGNATURE)

Barnett Kolton

Sworn to before me this  
22 day of July, 2005

Alice Hyde  
Notary Public

NOTARY PUBLIC, STATE OF NEW YORK  
NOTARIAL EXPIRES 1/1/2007

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NOTICE-----x  
COUNTY OF CHENANGO

Index No. 05-CV-354

VS.

ABBOTT LABORATORIES, INC ALCON  
LABORATORIES, INC. et. al.

STATE OF ILLINOIS )  
COUNTY OF COOK )

Barnett Kolton, being duly sworn deposcs and says that: Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Illinois.

On Tuesday, July 19, 2005, at approximately 2:55 p.m. at Three Parkway North, Deerfield, IL 60015, Deponent served the within Summons in a Civil Case and Complaint upon Fujisawa USA, Inc., by delivering to and leaving with (person served) LINDA FRIEDMAN, (title) GENERAL COUNSEL, a true and correct copy of said documents.

At the time of said service, (Person served) LINDA FRIEDMAN stated that  
(s)he was duly authorized to accept service of legal process for Fujisawa USA, Inc.

(person served) LINDA FRIEDMAN is described as a 41 (fe)male  
approximately 45 years of age, 150 lbs., 5' 5" tall, with Brown hair.  
(other features) \_\_\_\_\_

Barrett Kolton  
(PROCESS SERVER'S SIGNATURE)

Barnett Kolton

Sworn to before me this  
22 day of July, 2005

Notary Public

**THE BAPTIST DENOMINATIONAL  
SCHOOL OF THE STATE OF CALIFORNIA  
AT LOS ANGELES, CALIFORNIA**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
*NORTHERN*

**(Caption**

COUNTY OF SHENANGO Plaintiff

Index No. 05-CV-354

V.  
ABBOTT LABORATORIES INC ET AL  
(Caption)

### Defendants

STATE OF ~~MASSACHUSETTS~~ )  
COUNTY ~~SUFFOLK~~ ) SS.:

DAVID E. WALTERS being duly sworn deposes and says that: deponent is not a party to this action, and is over 18 years of age and is a resident of the State of MASSACHUSETTS

On Wednesday, July 20, 2005 approximately 1:20 p.m. at (address served) 1 Kendall Sq. MA 02139, deponent served the within Summons in a Civil Case and Complaint upon GENZYME CORPORATION by delivering to and leaving with (PERSON SERVED) Mary Ellen Mucci, (TITLE) Executive Asst., a true and correct copy of said document. At the time of said service, (PERSON SERVED)

MARY ELLEN Mucci stated that she was duly authorized to accept service of legal process for (Co served) Genzyme Corp.

(PERSON SERVED) MARYEEEN MUEER is described as a WHITE female, approximately 40 years of age, 140 lbs., 5'7" tall, with BLONDE hair and (OTHER FEATURES)

Jacob Z Koff  
(PROCESS SERVER'S SIGNATURE)

Sworn to before me this  
20<sup>th</sup> day of July, 2005

Patricia A. Barr  
Notary Public  
My Commission exp 11/25/08

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN )  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF NEW JERSEY )  
 )  
COUNTY OF )  
 ) SS.:

John Hotz, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New Jersey.

On TUES, July 19, 2005, at approximately 2:35 P.m., at  
(place served) 95 Corporate Dr., Bridgewater, NJ

Deponent served the within Summons in a Civil Case and Complaint upon

Greenstone LTD, by delivering to and leaving with  
(Person served) Stephen Rhodes (title) Litigation Dept.

a true and correct copy of said documents.

At the time of said service, (Person served) Stephen Rhodes stated that  
(s)he was duly authorized to accept service of legal process for Greenstone LTD.

(Person served) Stephen Rhodes is described as a White (e)male,  
approximately 40 years of age, 160 lbs. 5'10" tall, with Brn hair.

(other features) \_\_\_\_\_

John Hotz  
(PROCESS SERVER'S SIGNATURE)  
John Hotz  
Print Name

Sworn to before me this  
27 day of July, 2005

Daciem J. Mullen  
Notary Public

DACIEM J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK~~Notary Public~~

COUNTY OF CHENANGO

Index No. 05-CV-354

v.s.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.STATE OF NEW JERSEY      )  
                                  ) ss.:  
COUNTY OF                    )Gerald Dacuk, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New Jersey.

On TUES July 19, 2005, at approximately 11:00 A.M. at  
(place served) Hoffman-La-Roche, 340 Kingland St., Nutley, NJ

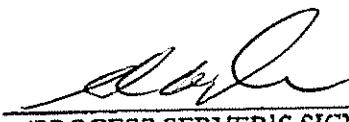
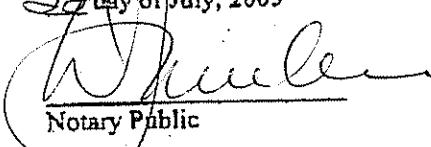
Deponent served the within Summons in a Civil Case and Complaint upon

Hoffman-La-Roche by delivering to and leaving with  
(Person served) Debra Marchuk, (title) Secretary,

a true and correct copy of said documents.

At the time of said service, (Person served) Debra Marchuk stated that  
(s)he was duly authorized to accept service of legal process for Hoffman-La-Roche.  
(person served) Debra Marchuk is described as a White (fe)male,  
approximately 35 years of age, 130 lbs., 5'8" tall, with brown hair.

(other features) \_\_\_\_\_

  
(PROCESS SERVER'S SIGNATURE)  
Gerald Dacuk  
Print NameSworn to before me this  
27 day of July, 2005  
Notary PublicDACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
~~NORTHERN~~  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF WASHINGTON )  
                          ) ss.:  
COUNTY OF             )

J. Bradford, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Washington.

On Tuesday, July 19, 2005, at approximately 3:16 p.m., at 1201 Amgen

ct. w. Seattle, WA 98119. Deponent served the within Summons in a Civil Case and Complaint upon Immunex Corp., by delivering to and leaving with Laura Mulholland, Associate Manager, Law Administration, a

true and correct copy of said documents.

At the time of said service, (Person served) Laura Mulholland stated that (s)he was duly authorized to accept service of legal process for Immunex Corp..

Laura Mulholland (Person served) is described as a Caucasian (fc)male, approximately 30 years of age, 140 lbs., 5'6" tall, with Brown hair. (other features).

(PROCESS SERVER'S SIGNATURE)

J. Bradford  
Print Name

Sworn to before me this  
21 day of July, 2005

Pamela L. Holmes  
Notary Public  
11-18-01  
NOTARY PUBLIC  
STATE OF WASHINGTON

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF NEW JERSEY )  
                          ) ss.:  
COUNTY OF            )

JANET MULLEN, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New Jersey.

On TUES, July 19, 2005, at approximately 11:45 A.m., at

(place served) 1125 TRINTON-HARBOURTON Rd, TITUSVILLE, NJ

Deponent served the within Summons in a Civil Case and Complaint upon

JANSEN PHARMACEUTICAL PRODUCTS, LP, by delivering to and leaving with  
(Person served) Lisa Schmidt, (title) Dir. Global Clerical  
QUALITY ASSURANCE

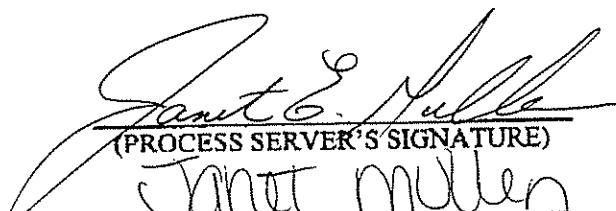
a true and correct copy of said documents.

At the time of said service, (Person served) Lisa Schmidt stated that

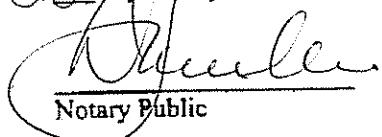
(s)he was duly authorized to accept service of legal process for JANSEN PHARMACEUTICAL PRODUCTS, LP

(Person served) Lisa Schmidt is described as a White (fe)male,  
approximately 35 years of age, 130 lbs., 5'5" tall, with BRN hair.

(other features) \_\_\_\_\_

  
(PROCESS SERVER'S SIGNATURE)  
JANET MULLEN  
Print Name

Sworn to before me this  
22 day of July, 2005

  
Notary Public

DACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
~~NORTHERN~~  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF NEW JERSEY )  
 ) ss.:  
COUNTY OF )

JANET MULLEN

, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New Jersey.

On TUES, July 19, 2005, at approximately 2:10 P.M. at  
(place served) LJ + J Plaza, N. Brunswick, NJ

Deponent served the within Summons in a Civil Case and Complaint upon

Johnson & Johnson, by delivering to and leaving with  
(Person served) Michelle Bacorn, (title) Paralegal,

a true and correct copy of said documents.

At the time of said service, (Person served) Michelle Bacorn stated that  
(s)he was duly authorized to accept service of legal process for Johnson & Johnson  
(Person served) Michelle Bacorn is described as a White (fe)male,  
approximately 40 years of age, 110 lbs., 5'7" tall, with BLK hair.  
(other features) \_\_\_\_\_

(PROCESS SERVER'S SIGNATURE)

Print Name

Sworn to before me this  
13 day of July, 2005

Daciene J. Mullen  
Notary Public

DACIENE J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

-----x  
STATE OF TENNESSEE )  
                      ) ss.:  
COUNTY OF SULLIVAN )

David E. Peters, being duly sworn deposes and says that: Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Tennessee.

On Tuesday, July 19, 2005, at approximately 10:15 A.M., at 501 Fifth Street, Bristol, TN 37620, Deponent served the within Summons in Civil Case and Complaint upon King Pharmaceuticals Inc., by delivering to and leaving with Kurt J. Pomrenke, Esq., a true and correct copy of said documents.

At the time of said service, Kurt J. Pomrenke, Esq., stated that he was duly authorized to accept service of legal process for King Pharmaceuticals Inc.

Kurt J. Pomrenke, Esq., is described as a white male, approximately 40 years of age, 190 lbs., 6' tall, with blonde hair.

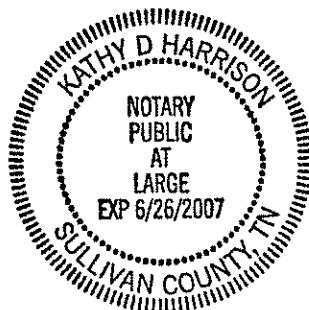
(other features) \_\_\_\_\_

David E. Peters  
(PROCESS SERVER'S SIGNATURE)

DAVID E. PETERS  
Print Name

Swear to before me this  
21 day of July, 2005

Kathy D. Harrison  
Notary Public



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
~~NORTHERN~~

COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC ALCON  
LABORATORIES, INC. et. al.

STATE OF MARYLAND )  
montgomery ) ss.:  
COUNTY )

Tom Chedester, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Maryland.

On Tuesday, July 19, 2005, at approximately 3 : 19 p.m. at One MedImmune Way, Gaithersburg, MD 20878, Deponent served the within Summons in a Civil Case and Complaint upon MedImmune Inc., by delivering to and leaving with (person served) Derinda Haas, Asst. General Counsel, a true and correct copy of said document.

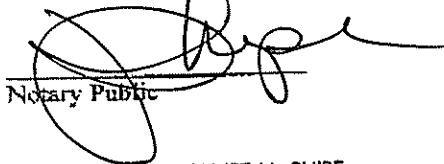
At the time of said service, (Person served) Derinda Haas stated that (s)he was duly authorized to accept service of legal process for MedImmune Inc.

(person served) Derinda Haas is described as a white (fe)male, approximately 48 years of age, 130 lbs., 5'4" tall, with brown hair. (other features) glasses.

Tom Chedester  
(PROCESS SERVER'S SIGNATURE)

Tom Chedester  
Print Name

Sworn to before me this  
20 day of July, 2005

  
Notary Public

JANET M. SHIPE  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires September 1, 2006

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

~~NORTHERN~~

COUNTY OF CHENANGO

Index No. 05-CV-354

V5.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF NEW JERSEY      )  
                                  )  
                                  )  
COUNTY OF                    )  
                                  )

John Hotz, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New Jersey.

On TUES, July 19, 2005, at approximately 11:25 A.M. at

(place served) 1 Newark Dr., Whitehouse Station, NJ

Deponent served the within Summons in a Civil Case and Complaint upon

Merck, Connie Boyle, (title) Legal Asst, by delivering to and leaving with  
(Person served) Connie Boyle, (title) Legal Asst,

a true and correct copy of said documents.

At the time of said service, (Person served) Connie Boyle stated that

(s)he was duly authorized to accept service of legal process for Merck.

(Person served) Connie Boyle is described as a White (fe)male,  
approximately 50 years of age, 190 lbs., 5'5" tall, with Red hair.

(other features) \_\_\_\_\_

John Hotz  
(PROCESS SERVER'S SIGNATURE)  
John Hotz  
Print Name

Sworn to before me this  
22 day of July, 2005

Alleen Cane  
Notary Public

DACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

# COUNTY OF CHENANGO

Index No. 05-CV-354

V5,

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et al.

STATE OF TENNESSEE )  
 ) ss..  
COUNTY OF SULLIVAN )

David E. Peters, being duly sworn deposes and says that: Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Tennessee.

On Tuesday, July 19, 2005, at approximately 10:15 A.M., at 501 Fifth Street, Bristol, TN 37620, Deponent served the within Summons in a Civil Case and Complaint upon Monarch Pharmaceuticals Inc., by delivering to and leaving with Kurt J. Potrenke, Esq., a true and correct copy of said documents.

At the time of said service, Kurt J. Pomrenke, Esq., stated that he was duly authorized to accept service of legal process for Monarch Pharmaceuticals Inc.

Kurt J. Pomerene, Esq., is described as a white male, approximately 40 years of age, 190 lbs., 6', with Brown hair.

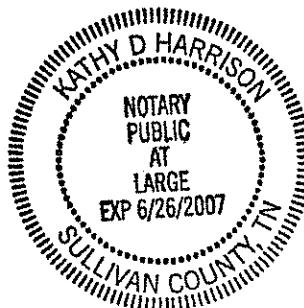
Address (City/State/Zip) \_\_\_\_\_

David E Peter  
(PROCESS SERVER'S SIGNATURE)

DAVID E PETERS  
First Name

Sworn to before me this  
21 day of July, 2005

Kathy D. Hanson  
Notary Public



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

~~NOTICE~~

COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF PENNSYLVANIA )

) ss.:

COUNTY OF )

CARMEN J CICCARELLI, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Pennsylvania.

On Tuesday, July 19, 2005, at approximately 1:50 P.m., at 1500 Corporate Drive, Ste 400, Canonsburg, PA 15317, Deponent served the within Summons in a Civil Case and Complaint upon Mylan Laboratories Inc., by delivering to and leaving with (*Person served*) VICTORIA POLASKI (*title*) LEGAL ASSISTANT, a true and correct copy of said documents.

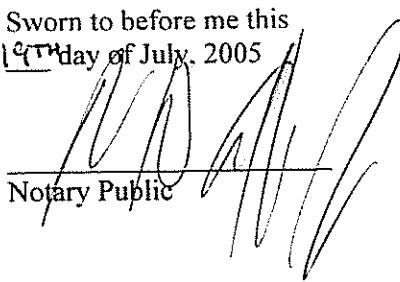
At the time of said service, (*Person served*) VICTORIA POLASKI stated that (*s/he*) was duly authorized to accept service of legal process for Mylan Laboratories Inc..

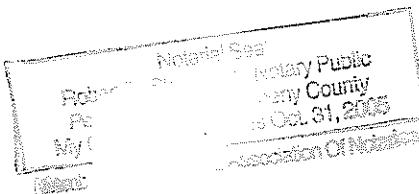
VICTORIA POLASKI (*Person served*) is described as a WHITE (*fe/male*), approximately 50 years of age, 170 lbs., 5' 8" tall, with BLOND hair. (*other features*) \_\_\_\_\_.

  
(PROCESS SERVER'S SIGNATURE)

CARMEN J CICCARELLI  
Print Name

Sworn to before me this  
19<sup>th</sup> day of July, 2005

  
Notary Public



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
~~NORTHERN~~-----x  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

-----x  
STATE OF PENNSYLVANIA )  
 ) ss.:  
COUNTY OF *Allegheny*)

CARMEN J CICCARELLI, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Pennsylvania.

On Tuesday, July 19, 2005, at approximately 1:50 P.m., at 1500 Corporate Drive, Ste 400, Canonsburg, PA 15317, Deponent served the within Summons in a Civil Case and Complaint upon Mylan Pharmaceuticals Inc., by delivering to and leaving with *(Person served) VICTORIA POLASKI* *(title) LEGAL ASSISTANT*, a true and correct copy of said documents.

At the time of said service, *(Person served) VICTORIA POLASKI* stated that (s)he was duly authorized to accept service of legal process for Mylan Pharmaceuticals Inc.

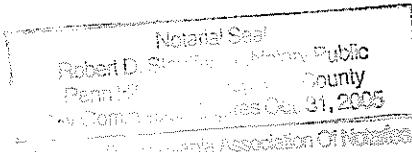
VICTORIA POLASKI *(Person served)* is described as a WHITE (fe)male, approximately 50 years of age, 170 lbs., 5' 8" tall, with BLOND hair. *(other features)* \_\_\_\_\_.

Carmen J Ciccarelli  
(PROCESS SERVER'S SIGNATURE)

CARMEN J CICCARELLI  
Print Name

Sworn to before me this  
19<sup>th</sup> day of July, 2005

Notary Public



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN

COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF PENNSYLVANIA )  
 ) ss.:  
COUNTY OF )

Matthew Kohlman, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Pennsylvania.

On TUES, July 19, 2005, at approximately 10:00 p.m., at  
(place served) 1050 Camp Hill Rd, Ft. Washington, PA

Deponent served the within Summons in a Civil Case and Complaint upon

HC-Hil-PPC Inc by delivering to and leaving with  
(Person served) Allyson Keyes, (title) Dir of HR,

a true and correct copy of said documents.

At the time of said service, (Person served) Allyson Keyes stated that

(s)he was duly authorized to accept service of legal process for HC-Hil-PPC Inc.

(person served) Allyson Keyes is described as a White (fe)male,  
approximately 100 years of age, 150 lbs, 5'6" tall, with Red hair.  
(other features) glasses.

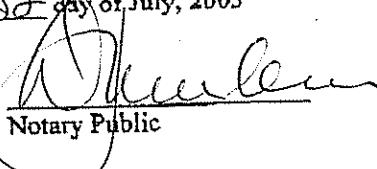
Matt

(PROCESS SERVER'S SIGNATURE)

Matthew Kohlman

Print Name

Sworn to before me this  
22 day of July, 2005

  
Notary Public

DACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
~~NOTICE~~

COUNTY OF CHENANGO

Index No. 05-CV-354

V5.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF NEW JERSEY )  
                          ) ss.:  
COUNTY OF             )

John Hotz

, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of

New Jersey. On WED, July 20, 2005, at approximately 2:50 p.m. at  
(place served) 1 Health Plaza, E. Hanover, NJ

Deponent served the within Summons in a Civil Case and Complaint upon

Novartis Pharmaceuticals, by delivering to and leaving with  
(Person served) Charna Gerstenhaber (title) Legal Dep.

a true and correct copy of said documents.

At the time of said service, (Person served) Charna Gerstenhaber stated that  
(s)he was duly authorized to accept service of legal process for Novartis.  
(person served) Charna Gerstenhaber is described as a White (fe)male,  
approximately 45 years of age, 120 lbs., 5'3" tall, with Brn hair.  
(other features) glasses.

John Hotz  
(PROCESS SERVER'S SIGNATURE)  
John Hotz  
Print Name

Sworn to before me this  
22 day of July, 2005

Daciene J. Mullen  
Notary Public

DACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF NEW JERSEY )  
                          ) ss.:  
COUNTY OF             )

Gerald Dacuk, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of

New Jersey. On TUES, July 19, 2005, at approximately 1:30 P.m., at

(place served) 56 Livingston Ave, Roseland, NJ

Deponent served the within Summons in a Civil Case and Complaint upon

Organon, USA, by delivering to and leaving with  
(Person served) Chris Helmig, (title) SECRETARY,

a true and correct copy of said documents.

At the time of said service, (Person served) Chris Helmig stated that  
(s)he was duly authorized to accept service of legal process for Organon USA.

(Person served) Chris Helmig is described as a White (female,  
approximately 30 years of age, 130 lbs., 6' 1" tall, with BRN hair.

(other features) \_\_\_\_\_

Gerald Dacuk  
(PROCESS SERVER'S SIGNATURE)  
Gerald Dacuk  
Print Name

Sworn to before me this  
22 day of July, 2005

Dacien J. Mullen  
Notary Public

DACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF NEW JERSEY      )  
                                  ) ss.:  
COUNTY OF                    )

John Hotz

, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New Jersey.

On TUES, July 19, 2005, at approximately 12:50 P.M. at  
(place served) H-30 RT 22, Bridgewater, NJ

Deponent served the within Summons in a Civil Case and Complaint upon

Ortho Biotech Products, LP, by delivering to and leaving with  
(Person served) Jelalo Cquin (title) VP, HR

a true and correct copy of said documents.

At the time of said service, (Person served) Jelalo Cquin stated that  
(s)he was duly authorized to accept service of legal process for Ortho Biotech Products LP  
(person served) Jelalo Cquin is described as a BLK (fe)male,  
approximately 66 years of age, 225 lbs., 6'2" tall, with BLK hair.  
(other features) glasses.

John Hotz  
(PROCESS SERVER'S SIGNATURE)  
John Hotz  
Print Name

Sworn to before me this  
22nd day of July, 2005

Daciem J. Mullen  
Notary Public

DACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NORTHERN

COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF NEW JERSEY      )  
                                  ) ss.:  
COUNTY OF                    )

John Hotz

, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of

New Jersey. On Tues, July 19, 2005, at approximately 11:58A.m., at  
(place served) 1000 US Rt. 202 S., Wantan, NJ,

Deponent served the within Summons in a Civil Case and Complaint upon

Ortho-McNeil Pharmaceuticals Inc, by delivering to and leaving with  
(Person served) Michael Rhodes (title) Director,

a true and correct copy of said documents.

At the time of said service, (Person served) Michael Rhodes stated that  
(s)he was duly authorized to accept service of legal process for Ortho-McNeil Pharmaceuticals Inc  
(person served) Michael Rhodes is described as a White (e)male,  
approximately 60 years of age, 210 lbs., 6'3 " tall, with Bras hair.  
(other features) \_\_\_\_\_

John Hotz  
(PROCESS SERVER'S SIGNATURE)  
John Hotz  
Print Name

Sworn to before me this  
22 day of July, 2005

Daciem J. Mullen  
Notary Public

DACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----X  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

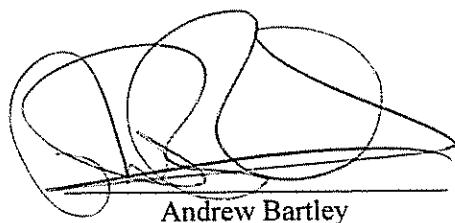
-----X  
STATE OF NEW YORK )  
                         ) ss.:  
COUNTY OF QUEENS )

Andrew Bartley, being duly sworn deposes and says that: Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New York.

On Wednesday, July 20, 2005, at approximately 11:49 p.m., at One Ram Ridge Road, Spring Valley, New York 10977, Deponent served the within Summons in a Civil Case and Complaint upon Par Pharmaceutical Inc., by delivering to and leaving with Carol Atkins, Security Officer, a true and correct copy of said documents.

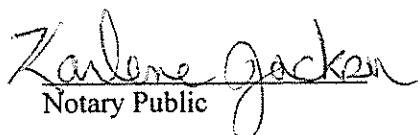
At the time of said service, Carol Atkins stated that she was duly authorized to accept service of legal process for Par Pharmaceutical Inc.

Carol Atkins is described as a Black female, approximately 47 years of age, 155 lbs., 5'5" tall, black hair and wears glasses.



Andrew Bartley

Sworn to before me this  
22<sup>nd</sup> day of July, 2005

  
Karlene Jackson  
Notary Public

KARLENE S. JACKSON  
Notary Public  
State of New York, #01JA5083169  
Qualified in Kings County  
Commission Expires August 4, 2005

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF NEW JERSEY )  
 )  
 ) ss.:  
 )  
 COUNTY OF )

John Hotz

, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New Jersey.

On TUES, July 19, 2005, at approximately 2:35 p.m., at  
(place served) 95 Corporate Dr. Bridgewater, NJ

Deponent served the within Summons in a Civil Case and Complaint upon

Pharmacia Corp, by delivering to and leaving with  
(Person served) Stephen Rhodes, (title) Litigation Dept.,

a true and correct copy of said documents.

At the time of said service, (Person served) Stephen Rhodes stated that

(s)he was duly authorized to accept service of legal process for Pharmacia.

(Person served) Stephen Rhodes is described as a White (f)e(male),  
approximately 40 years of age, 160 lbs., 5'10 " tall, with Brn hair.

(other features) \_\_\_\_\_.

John Hotz  
(PROCESS SERVER'S SIGNATURE)  
John Hotz  
Print Name

Sworn to before me this  
day of July, 2005

DAGIEN J. MULLEN  
Notary Public

DAGIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

THIS DOCUMENT RELATES TO:

COUNTY OF CHENANGO v. ABBOTT  
LABORATORIES, INC., et al.

S.D.N.Y. Case No. 05-cv-354

Index No. 01-12257 PBS

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )  
                          ) ss.:  
COUNTY OF NEW YORK )

I, ANDREW MILLER, says:

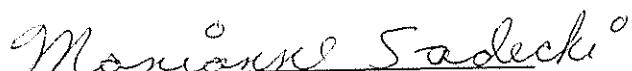
I am over the age of eighteen, am not a party to this action, and am employed in the City, State, and County of New York. On July 18, 2005, I served true and complete copies of the attached **SUMMONS AND COMPLAINT** upon **PFIZER, INC.**, by personally delivering said true copies to Sattie Jarim, of CT CORPORATION, 111 Eighth Avenue, New York, NY 10011. Ms. Jarim is 5'7" tall, wear glasses, and has black hair.



ANDREW MILLER

Sworn to before me this

19<sup>th</sup> day of July, 2005.



Notary Public

MARIANNE SADECKI  
Notary Public, State of New York  
No. 14-4869982  
Qualified in Dutchess County  
Commission Expires Sept. 8, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
~~NOTICE~~  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC ALCON  
LABORATORIES, INC. et. al.

STATE OF CONNECTICUT )  
                          ) ss.:  
COUNTY FAIRFIELD      )

Eric Rubin, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Connecticut.

On Tuesday, July 19, 2005, at approximately 2:41 P.m. at One Stamford Forum, 201 Tresser Blvd., Stamford, CT 06901, Deponent served the within Summons in a Civil Case and Complaint upon Purdue Pharma, L.P., by delivering to and leaving with

(Person served) Jenny Bachman (Title) Paralegal a true and correct copy of said document.

At the time of said service, (Person served) Jenny Bachman stated that (s)he was duly authorized to accept service of legal process for Purduc Pharma L.P.

(person served) Jenny Bachman is described as a White (fe)male, approximately 40 years of age, 110 lbs., 5' 3" tall, with Blonde hair. (other features) \_\_\_\_\_.

  
(PROCESS SERVER'S SIGNATURE)

Eric Rubin

Print Name

Sworn to before me this  
19<sup>th</sup> day of July, 2005

  
Notary Public

Ksenia V. Rubin  
NOTARY PUBLIC  
State of Connecticut  
My Commission Expires 12/31/07

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
~~NOTICE~~  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF NEW JERSEY      )  
                                  ) ss.:  
COUNTY OF                    )

Gerald Dacuk, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New Jersey.

On TUES, July 19, 2005, at approximately 1:00 P.M. at  
(place served) 14 Commerce Dr., Ste 301, Cranford, NJ

Deponent served the within Summons in a Civil Case and Complaint upon

Puritac Pharmaceutical Co. by delivering to and leaving with  
(Person served) John LaRocca (title) VP, Law,

a true and correct copy of said documents.

At the time of said service, (Person served) John LaRocca stated that  
(s)he was duly authorized to accept service of legal process for Puritac Pharmaceutical Co.  
(Person served) John LaRocca is described as a White (f)male,  
approximately 40 years of age, 180 lbs., 6'1" tall, with DARK hair.  
(other features) BIR

Mullen  
(PROCESS SERVER'S SIGNATURE)  
Gerald Dacuk  
Print Name

Sworn to before me this  
22 day of July, 2005

Daciem J. Mullen  
Notary Public

DACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

DACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK  
~~NORTHERN~~  
 COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
 LABORATORIES, INC. et. al.

STATE OF NEW JERSEY )  
 ) ss.:  
 COUNTY OF )

Gerald Dorek, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New Jersey.

On TUES, July 19, 2005, at approximately 11:00 A.M. at  
 (place served) 340 Kingsland St., Nutley, NJ

Deponent served the within Summons in a Civil Case and Complaint upon

Ricke Labs, by delivering to and leaving with  
 (Person served) Debra Marchuk (title) Secretary,

a true and correct copy of said documents.

At the time of said service, (Person served) Debra Marchuk stated that  
 (s)he was duly authorized to accept service of legal process for Ricke Labs.

(person served) Debra Marchuk is described as a White (fe)male,  
 approximately 35 years of age, 130 lbs., 5'8" tall, with brn hair.

(other features) \_\_\_\_\_

G.D.  
 (PROCESS SERVER'S SIGNATURE)  
Gerald Dorek  
 Print Name

Sworn to before me this  
 20 day of July, 2005

W. Lee  
 Notary Public

DACIEN J. MULLEN  
 MY COMMISSION EXPIRES  
 JUNE 1, 2008

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

COUNTY OF CHENANGO,	)	No.: 05-CV-354
Plaintiff(s)	)	<b>Affidavit of Service</b>
vs.	)	
ABBOTT LABORATORIES, INC. ALCON	)	
LABORATORIES, INC., et.al.,	)	
Defendants.	)	County: Franklin                    ss
	)	State: Ohio

---

For Service Upon: Roxane Laboratories, Inc.

I, Pamela Spires, undersigned, do hereby attest and affirm that I was, at the time of service, over the age of 18, not a party to this action, and a citizen of the United States.

Documents to be Served: Summons and Complaint.

Place of Service:

The above-named papers were served at 1809 Wilson Avenue in the City of Columbus, in the County of Franklin, in the State of Ohio.

Manner of Service: Corporate.

By delivering a true copy of the above document (s) to Judy Orinski, Executive Director of Human Resources.

Description: (all approx.)

Hgt. 5'3" Wgt 140# Sex Female Race White Age 50 Hair: Blonde Other:

Date of Service:

I do hereby attest and affirm that the above-referenced papers were served on the 19th day of July, 2005 at 2:05 p.m.

I declare under penalty of perjury that the information contained herein is true and correct and this affidavit was executed on 07/20/05.

Subscribed and sworn before me  
this 20th, day of July, 2005.

Jennifer L. Ruckman  
Notary

JENNIFER L. RUCKMAN  
NOTARY PUBLIC • STATE OF OHIO  
Recorded in Fairfield County  
My commission expires Nov. 14, 2009

Pamela Spires  
Process Server  
P. I. License No: 65-93-5982

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE LITIGATION

THIS DOCUMENT RELATES TO:

COUNTY OF CHENANGO v. ABBOTT  
LABORATORIES, INC., et al.

S.D.N.Y. Case No. 05-cv-354

Index No. 01-12257 PBS

**AFFIDAVIT OF SERVICE**

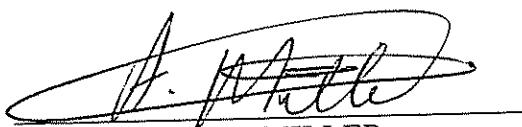
STATE OF NEW YORK )  
                          ) ss.:  
COUNTY OF NEW YORK )

I, ANDREW MILLER, says:

I am over the age of eighteen, am not a party to this action, and am employed in the City, State, and County of New York. On July 19, 2005, I served true and complete copies of the attached SUMMONS AND COMPLAINT upon SANOFI-SYNTHELABO, INC. by personally delivering same to Anne Gregorakes of:

CORPORATION SERVICE COMPANY  
1133 Avenue of the Americas, Ste. 3100  
New York, NY 10036

Ms. Anne Gregorakes stated that she is authorized to accept service on behalf of SANOFI-SYNTHELABO, INC.

  
ANDREW MILLER

Sworn to before me this  
20 day of July, 2005.

  
ILEANA RAMIREZ  
Notary Public

ILEANA RAMIREZ  
Notary Public, State of New York  
No. 01RA4740575  
Appointed in Bronx County  
My Commission expires 8/31/2005

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
Northeast  
-----x

COUNTY OF CHENANGO

Index No. 05-CV-354

vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF NEW JERSEY )  
                          ) ss.:  
COUNTY OF             )

JANET Mullen

, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New Jersey.

On TUES, July 19, 2005, at approximately 12:30 p.m., at

(place served) 500 Carnegie Ctr, Ste 400, Princeton, NJ

Deponent served the within Summons in a Civil Case and Complaint upon

Sandoz, Inc, by delivering to and leaving with  
(Person served) Lee Stoller, (Title) Asst. Gen. Counsel

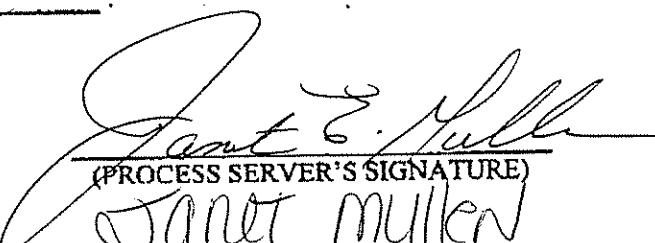
a true and correct copy of said documents.

At the time of said service, (Person served) Lee Stoller stated that

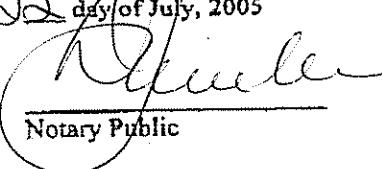
(s)he was duly authorized to accept service of legal process for Sandoz, Inc.

(Person served) Lee Stoller is described as a White (fe)male,  
approximately 48 years of age, 180 lbs, 5'7" tall, with brn hair.

(Other features) glasses.

  
(PROCESS SERVER'S SIGNATURE)  
JANET Mullen  
Print Name

Sworn to before me this  
day of July, 2005

  
Notary Public

DACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF NEW JERSEY      )  
                                  )  
                                  ) ss.:  
COUNTY OF                    )

Gerald Dacuk, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New Jersey.

On TUES, July 19, 2005, at approximately 2:00 P.M., at  
(place served) 2005 Galloping Hill Rd, Kenilworth, NJ

Deponent served the within Summons in a Civil Case and Complaint upon

Schering - Plough Corp, by delivering to and leaving with  
(Person served) Alice Corkery, (title) Sr. Legal Asst.

a true and correct copy of said documents.

At the time of said service, (Person served) Alice Corkery, stated that  
(s)he was duly authorized to accept service of legal process for Schering - Plough Corp  
(Person served) Alice Corkery is described as a white (female,  
approximately 40 years of age, 120 lbs., 5' 2" tall, with Blk hair.  
(other features) \_\_\_\_\_

A. Dacuk  
(PROCESS SERVER'S SIGNATURE)  
Gerald Dacuk  
Print Name

Sworn to before me this  
28 day of July, 2005

Dacien J. Mullen  
Notary Public

DACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN  
COUNTY OF CHENANGO

Index No. 05-CV-354

V5.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF NEW JERSEY )  
 ) ss.:  
COUNTY OF )

Gerald Dacuk, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New Jersey.

On TUES, July 19, 2005, at approximately 2:00 p.m. at

(place served) 200 Galloping Hill Rd. Kimball, NJ

Deponent served the within Summons in a Civil Case and Complaint upon

(person served) Shoring Corp, by delivering to and leaving with  
(title) Vice President, Dr. Logan West,

a true and correct copy of said documents.

At the time of said service, (person served) Vice Corkery stated that

(s)he was duly authorized to accept service of legal process for Shoring Corp.

(person served) Vice Corkery is described as a white (fe)male,  
approximately 40 years of age, 120 lbs., 5'2" tall, with brn hair.

(other features) \_\_\_\_\_

John  
(PROCESS SERVER'S SIGNATURE)  
Gerald Dacuk  
Print Name

Sworn to before me this  
day of July, 2005

Daciem J. Mullen  
Notary Public

DACIEN J. MULLEN  
MY COMMISSION EXPIRED  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
*NOTICE*  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC ALCON  
LABORATORIES, INC. et. al.

STATE OF ILLINOIS )  
                         ) ss.:  
COUNTY OF COOK )

Barnett Kolton, being duly sworn deposes and says that: Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Illinois.

On Tuesday, July 19, 2005, at approximately 3:45 P.m. at 675 North Field Drive, Lake Forest, IL 60045, Deponent served the within Summons in a Civil Case and Complaint upon TAP Pharmaceutical USA, by delivering to and leaving with (person served) DENISE GREEN (title) ADMIN. ASST. LEGAL DEPT. a true and correct copy of said documents.

At the time of said service, (Person served) DENISE GREEN stated that (s)he was duly authorized to accept service of legal process for TAP Pharmaceutical USA.

(person served) DENISE GREEN is described as a W (fe)male, approximately 45 years of age, 135 lbs., 5' 6" tall, with Brown hair.

(other features) \_\_\_\_\_.

Barnett Kolton  
(PROCESS SERVER'S SIGNATURE)

Barnett Kolton

Sworn to before me this  
22 day of July, 2005

Alia Heder  
Notary Public

NOTARY PUBLIC  
STATE OF NEW YORK  
My Commission Expires July 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKNORTHERN

COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.STATE OF PENNSYLVANIA )  
                          ) ss.:  
COUNTY OF              )Matthew Kohlman, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of

Pennsylvania. On TUES, July 19, 2005, at approximately 12:05 P.M., at  
(place served) 425 Privet Rd., Horsham, PA

Deponent served the within Summons in a Civil Case and Complaint upon

Teva Pharmaceuticals USA INC by delivering to and leaving with  
(Person served) Jenine HUNT (title) Paralegal,

a true and correct copy of said documents.

At the time of said service, (Person served) Jenine HUNT stated that(s)he was duly authorized to accept service of legal process for Teva  
(person served) Jenine HUNT is described as a White (fe)male,  
approximately 30 years of age, 160 lbs., 5.9 " tall, with Blond hair.

(other features) \_\_\_\_\_



(PROCESS SERVER'S SIGNATURE)

Matthew Kohlman

Print Name

Sworn to before me this  
28 day of July, 2005  
Notary PublicDACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NOTICE \_\_\_\_\_ x  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

-----x  
STATE OF PENNSYLVANIA )  
 ) ss.:  
COUNTY OF *Allegheny*

CARMEN J CICCARELLI, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Pennsylvania.

On Tuesday, July 19, 2005, at approximately 1:50 P.m., at 1500 Corporate Drive, Ste 400, Canonsburg, PA 15317, Deponent served the within Summons in a Civil Case and Complaint upon UDL Laboratories Inc., by delivering to and leaving with (*Person served*) VICTORIA POLASKI (*title*) LEGAL ASSISTANT, a true and correct copy of said documents.

At the time of said service, (*Person served*) VICTORIA POLASKI stated that (s)he was duly authorized to accept service of legal process for UDL Laboratories Inc.

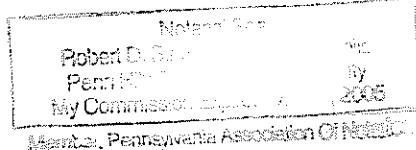
VICTORIA POLASKI (*Person served*) is described as a WHITE (*fe)male*, approximately 50 years of age, 170 lbs., 5' 8" tall, with BLOND hair. (*other features*) \_\_\_\_\_.

Carmen J Ciccariel  
(PROCESS SERVER'S SIGNATURE)

CARMEN J CICCARELLI  
Print Name

Sworn to before me this  
19<sup>th</sup> day of July, 2005

*[Signature]*  
Notary Public



1

AFFIDAVIT

INDEX No. 05-CV-354

2

State of Nevada )  
County of Washoe ) ss.

4

5 NINA LAZETICH, being first duly sworn deposes and says:

6 That affiant is a citizen of the United States, over 18  
7 years of age, licensed to serve civil process in the State  
8 of Nevada under license #322, and not a party to, nor  
9 interested in the within action affiant received the documents  
10 on Jul 18 2005 12:40PM and on Jul 19 2005 11:09AM  
11 affiant personally served a copy of the  
SUMMONS IN A CIVIL ACTION; COMPLAINT

12

13

14

15 ON MASON ULM, SUPERVISOR, [W/M, 6'0", 190LBS., BLACK HAIR, GLASSES] AUTHORIZED  
TO ACCEPT ACCEPTED ON BEHALF OF WARRICK PHARMACEUTICALS CORPORATION

16

17

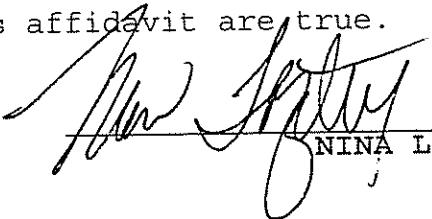
12125 MOYA BLVD.  
RENO, NV 89506

18

Affiant does hereby affirm under penalty of perjury that  
19 the assertions of this affidavit are true.

20

21



NINA LAZETICH

22

23

Signed and sworn to before me on Jul 20 2005

24

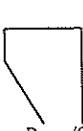
by NINA LAZETICH

25

26

  
Notary Public

27



Reno/Carson  
Messenger  
Service, Inc.  
License #322

185 Martin St  
Reno, NV 89509  
775-322-2424

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
NORTHERN-----x

COUNTY OF CHENANGO

Index No. 05-CV-354

vs.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

-----x  
STATE OF NEVADA )  
                  ) ss.:  
COUNTY OF WASHIOE )

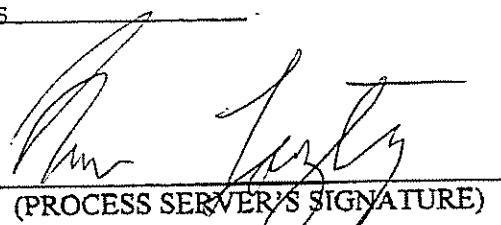
NINA LAZETICH, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of Nevada.

On Tuesday, July 19, 2005, at approximately 11:09 a.m., at 12125 Moya Blvd., Reno, NV 89505, Deponent served the within Summons in a Civil Case and Complaint upon Warrick Pharmaceuticals Corp., by delivering to and leaving with Mason Ulm, a Supervisor, a true and correct copy of said documents.

At the time of said service, Mason Ulm, stated that he was duly authorized to accept service of legal process for Warrick Pharmaceuticals Corp.

MASON ULM (Person served) is described as a WHITE  
(fe)male, approximately                    years of age, 190 lbs., 6'0 " tall, with  
BLACK hair. (other features) WEARS GLASSES

  
(PROCESS SERVER'S SIGNATURE)

NINA LAZETICH  
Print Name

Sworn to before me this  
21 day of July, 2005



Notary Public



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

-----X  
COUNTY OF CHENANGO

Index No. 05-CV-354

Vs.

ABBOTT LABORATORIES, INC ALCON  
LABORATORIES, INC. et. al.

-----X  
STATE OF CALIFORNIA )  
                          ) ss.:  
COUNTY OF ORANGE )

Surya Von Rosen, being duly sworn deposes and says that: Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of California.

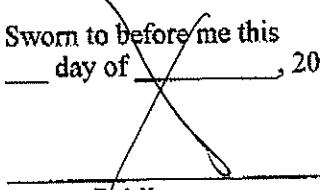
On Monday, July 18, 2005, at approximately 1:35 p.m., at 311 Bonnie Circle, Corona, CA 92880, Deponent served the within Summons in a Civil Case and Complaint upon Watson Pharmaceuticals Inc., by delivering to and leaving with David Buchen, General Counsel, a true and correct copy of said documents.

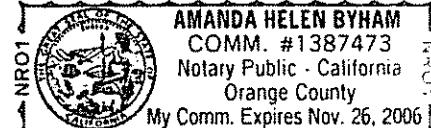
At the time of said service, David Buchen stated that he was duly authorized to accept service of legal process for Watson Pharmaceuticals, Inc.

David Buchen is described as a WHITE male, approximately 55 years of age, 200 lbs., 6' 1" tall, (other features) \_\_\_\_\_.

  
\_\_\_\_\_  
Surya Von Rosen  
Registered Process Server, Solano County #1505

Sworn to before me this  
\_\_\_\_ day of August, 2005

  
\_\_\_\_\_  
Notary Public



State of California, County of Orange  
Subscribed and sworn to (or affirmed) before me  
on this 5 day of August, 2005.  
by Surya Von Rosen  
personally known to me or proved to me on the  
basis of satisfactory evidence to be the person(s)  
who appeared before me.

Signature: Amanda Helen Byham

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

~~northern~~

COUNTY OF CHENANGO

Index No. 05-CV-354

V5.

ABBOTT LABORATORIES, INC., ALCON  
LABORATORIES, INC. et. al.

STATE OF NEW JERSEY      )  
                                  )  
COUNTY OF                    )  
                                  ) ss.:

Gerald Dack, being duly sworn deposes and says that:

Deponent is not a party to this action, and is over 18 years of age and is a resident of the State of New Jersey.

On TUES, July 19, 2005, at approximately 2:30 P.m., at  
(place served) 5 Giraldia Farms, Madison, NJ,

Deponent served the within Summons in a Civil Case and Complaint upon

Wyeth, by delivering to and leaving with  
(Person served) Cari Ruzila, (title) Paralegal,

a true and correct copy of said documents.

At the time of said service, (Person served) Cari Ruzila stated that  
(s)he was duly authorized to accept service of legal process for Wyeth.

(Person served) Cari Ruzila is described as a White (fe)male,  
approximately 35 years of age, 160 lbs., 5'2" tall, with Brn hair.  
(other features) glasses.

Gerald Dack  
(PROCESS SERVER'S SIGNATURE)

Print Name

Sworn to before me this  
22 day of July, 2005

Daciem J. Mullen  
Notary Public

DACIEN J. MULLEN  
MY COMMISSION EXPIRES  
JUNE 1, 2008

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESALE PRICE  
LITIGATION

THIS DOCUMENT RELATES TO:

COUNTY OF CHENANGO V. ABBOTT  
LABORATORIES, INC., ET AL.,

S.D.N.Y. Case No. 05-cv-354

MDL. NO. 1456

Civil Action No. 01-CV-12257  
Judge Patti B. Saris

**AFFIDAVIT OF SERVICE**  
**UNDER THE HAGUE CONVENTION**

Kirby McInerney & Squire, LLP  
830 Third Avenue, 10<sup>th</sup> Floor  
New York, NY 10022  
(212) 371-6600

SFP 2005-2511

CERTIFICATE - ATTESTATION

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention  
L'autorite soussignee a l'honneur d'attester conformement a l'article 6 de ladite Convention.

1) that the document has been served the (date) 03 May 2005

que le demande a ete executee le (date)

-at (place, street, number) 980 Great West Road, Brentford, Middlesex, TW8

-a (localite, rue, numero)

- in one of the following methods authorised by article 5:

-dans une des formes suivantes prevues a l'article 5:

a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of  
the convention

selon les formes legales (article 5, alinea premier, lettre a)

b) in accordance with the following particular method

selon la forme particuliere suivante

c) by delivery to the addressee, who accepted it voluntarily  
par remise simple

The documents referred to in the request have been delivered to: Glaxosmithkline Plc

Les documents mentionnes dans la demande ont ete remis a:

Janet Azzopardi

- (identity and description of person)  
- (identite et qualite de la personne)

- relationship to the addressee (family, business or other)  
- liens de parente de subordination ou autres avec  
le destinataire de l'acts

Corporate Secretary

2) that the document has not been served, by reason of the following facts:  
que la demande n'a pas ete executee, en raison des faits suivants:

in conformity with the second paragraph of article 12 of the Convention, the applicant is requested to  
pay the expenses details in the attached statement.  
Conformement a l'article 12, alinea 2 de ladite Convention, le requerant est prie de payer ou de  
rembourser les frais dont le detail figure au memoire ci-joint

Annexes

Documents returned

Pieces renvoyees

Done at London  
fait a

the 9 May, 2005  
le

Signature and/or stamp:  
Signature et/ou cachet:

in appropriate cases, documents  
establishing the service:  
le cas echeant, les documents  
justificatifs de l'execution:



~~RETURN COPY~~

**SUMMARY OF THE DOCUMENT TO BE SERVED 2005 2511**  
**ELEMENTS ESSENTIELS DE L'ACTE**

**Convention on the service abroad of judicial and extrajudicial documents In civil or commercial matters, signed at The Hague, November 15, 1965.**

*Convention relative à la signification et à la notiffrarion ~ l'e'stranger ties acres judiciaires et extrajudiciaires en matiere civile ou commerciale, signgee à La Haye, le 15 Novembre 1965.~*

(article 5, fourth paragraph)  
 (article 5. alinea 4)

**Name and address of the requesting authority:**

Nom et adresse tie l'autorite requirante:

Joanne M. Cicala, Esq., Kirby McInerney & Squire, LLP, 830 Third Ave. NY 10022 (212) 371-6600

**Particulars of the parties:**

Identite des parties:

The County of Chanango v. Abbott Laboratories, Inc. et al.

**JUDICIAL DOCUMENT**  
**ACTE JUDICIAIRE**

**Nature and purpose of the document:**

*Nature et obiet tie l'acte-*

To give notice to defendants of the institution against them of a claim for civil damages, and summons them to answer the complaint.

**Nature and purpose of the proceedings and, where appropriate, the amount in dispute:**

*Nature et objet de l'instance le cas echeant le montant du litige:*

Plaintiffs are seeking relief as indicated on page 133 of the complaint; exact remedy will be determined in court.

**Date and place for entering appearance-**

*Date et lieu de la comparution:*

**Court which has given judgment\*\*:**

*Juridiction qui a rendu la decision:*

Defendant has (20) days from receipt of summons to answer.

**Date of judgment\*\*:**

*Date de la decision:*

**Time limits stated in the document\*\*:**

*Indication des delias figurant dans l'acte:*

Defendant is required to file an Answer with the Court within (20) days after receiving the summons and complaint herein.

**EXTRAJUDICIAL DOCUMENT**  
**ACTE EXTRAJUDICIAIRE**

**Nature and purpose of the document:**

*Nature et objet l'acte:*

N/A

**Time limits stated in the document:\*\***

*Indication des delias figurant dans l'acte:*

N/A

U.S. Department of Justice  
United States Marshals Service



## REQUEST FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

### DEMANDE

*AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ETRANGER  
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE*

**Convention on the service abroad of judicial and extrajudicial documents in civil or  
commercial matters, signed at The Hague, November 15, 1965.**

*Convention relative 'a la signification et 'a la notification 'a l'etrange des actes judiciaires ou extrajudiciaires en matiere civile  
ou commerciale, signee 'a La Haye, le 15 Novembre 1965.*

<b>Identity and address of the applicant</b> <i>Identite et adresse du requerant</i> <p>Joanne M. Cicala, Esq. KIRBY McINERNEY &amp; SQUIRE 830 Third Avenue New York, NY 10022</p>
--

<b>Address of receiving authority</b> <i>Adresse de l'autorite destinataire</i> <p>The Senior Master of the Supreme Court of the Judiature Royal Courts of Justice Strand London WC2A 2LL, United Kingdom</p>
--

The undersigned applicant has the honour to transmit-in duplicate-the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,

**(identity and address)**

*Le requerant soussigne a l'honneur de faire parvenir-en double exemplaire-a l'autorite destinataire les documents ci-dessous enumerees.  
en la priant conformement a l'article 5 de la Convention precitee, d'en faire remettre sans remettre un exemplaire au destinataire, savoir:  
(identite et adresse)*

GlaxoSmithKline P.L.C. ("GSK") - 980 Great West Road, Brentford, Middlesex, EN, TW8 9, U.K.

(a) in accordance with the provisions or sub-paragraph (a) of the first paragraph of article 5 of the Convention.\*  
*a) selon les formes legales (article 5 alinea premier, lettre a).*

(b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)\*:  
*b) selon la forme particuliere suivante (article 5, alinea premier, lettre b) :*

(c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)\*:  
*c) le cas echeant, par remise simple (article 5, alinea 2).*

**The authority is requested to return or to have returned to the applicant a copy of the documents-and of the annexes--with a certificate\* a provided on the reverse side.**

*Cette autorite est prie de renvoyer ou de faire renvoyer au requerant un exemplaire de l'acte-et de ses annexes -avec l'attestation figurant au verso.*

List of documents

*Enumeration der pieces*

Complaint in Duplicate

Summons in Duplicate

Certificate (un-executed) in Duplicate

Executed "Request" in Duplicate

Executed "Summary" in Duplicate

Done at New York, NY, the 3-23-05

*Fait 'a \_\_\_\_\_, le \_\_\_\_\_*

Signature and/or stamp

*Signature et/ ou cachet*

Joanne M. Cicala, Esq.

\*Delete if inappropriate  
*Rayer les mentions inutiles.*